

Industry: **Big Ox Energy Siouxland, LLC**  
Address: **1616 D Avenue**  
**Dakota City, NE 68731**  
IU Permit No.: **2016-31-I**

**NOTICE OF VIOLATION**  
**City of Sioux City, Iowa**  
**Industrial Pretreatment Program**

**LEGAL AUTHORITY**

The following findings are issued and notice provided pursuant to the authority vested in the City of Sioux City, Iowa Industrial Pretreatment Program, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under 13.07.270 of the City's Sewers and Sewer Disposal Ordinance.

**FINDINGS**

1. The City of Sioux City, Iowa is charged with the construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the City of Sioux City, Iowa administers a pretreatment program.
3. Under this pretreatment program, **Big Ox Energy Siouxland** was issued a discharge permit.
4. On June 29, 2018, the City of Sioux City issued a Compliance Order to **Big Ox Energy Siouxland** which required pollutant loadings to be less than 48,509 lbs/day as a maximum daily limitation.
5. On July 13, 2018, the City of Sioux City issued to **Big Ox Energy Siouxland** issued a Cease and Desist Order which required **Big Ox Energy Siouxland** to halt discharge no later than 5 pm on July 18, 2018 due to on-going violations of TSS loadings to the City's collection system.
6. On August 2, 2018, The City of Sioux City issued an NOV to **Big Ox Energy Siouxland** requiring that reports be submitted daily by 10:00am (report was negotiated to 2:00pm daily to accommodate for sample analysis time) including: Previous day's flow total, 4 TSS results (no more than 6 hours apart), Sampler temperature and functionality, Previous day operational summary (process upsets, equipment failures, process modifications).

Since the daily reporting requirements went into effect, 4 TSS samples have been not reported:

- 3<sup>rd</sup> and 4<sup>th</sup> samples on August 22
- 3<sup>rd</sup> sample on September 3
- 1<sup>st</sup> sample on September 4

Each of these reporting violations will have a \$500 per violation per day which totals \$1,500 for these infractions. Future reporting violations will be escalated to \$1,000 per day per violation.

7. On September 3, 2018, **Big Ox Energy Siouxland** failed to notify the City of Sioux City of a Slug Discharge. Per IU Permit No. 2016-31-I, **Big Ox Energy Siouxland** is required to notify immediately when there is a Slug Discharge (non-routine episodic nature, including but not limited to an accidental spill or non-customary batch discharge with reasonable potential to cause interference or pass-through). A fine of \$1,000 for failure to report a Slug Discharge is hereby issued.
8. On September 3, 2018 **Big Ox Energy Siouxland** discharged approximately 60,561 lbs of TSS which is in violation of the maximum daily limitation of 48,509 lbs per the Compliance Order dated June 29, 2018. A fine of \$1,000 is hereby issued.
9. As outlined above, the total fine for the violations documented above amounts to \$3,500. This is in addition to any fines or charges previously issued. Fines will be assessed on the next sewer use surcharge invoice and are non-negotiable.

**NOTICE AND REQUIRED ACTIONS**

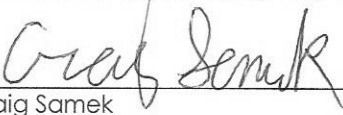
**THEREFORE, BASED ON THE ABOVE FINDINGS, BIG OX ENERGY SIOUXLAND IS HEREBY NOTIFIED THAT:**


It is an on-going violation of its discharge permit and the Title 13 of the Sioux City Municipal Code "Sewers" of Sioux City, Iowa and the following specific actions are required. Note that these items are contingent on the consent of the regulatory authorities for the Sioux City, Iowa POTW.

1. Within 10 Days of receiving this letter, **Big Ox Energy Siouxland** must respond in writing with the following information:
  - An explanation for each violation
  - A plan for the satisfactory correction for each violation

- Continue to submit Daily Report each day **including weekends**. The communication when effluent quality fluctuates is insufficient. We must require that reports be submitted on weekends as well as weekdays to ensure proper notification occurs.
  - Meet with City of Sioux City to discuss weekend operations and weekend reporting requirements.
  - The City will reach out to Big Ox Energy Officials to set-up a meeting soon.
2. All requirements in previously-issued Orders are fully in-effect including fines and notification requirements.

#### Signatures

  
Craig Samek  
Industrial Pretreatment Coordinator  
City of Sioux City, Iowa

  
Mark Simms  
Utilities Director  
City of Sioux City, Iowa

09/11/2018

Date of Issuance of NOV

Copy:

IDNR

NDEQ

City of South Sioux City